

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

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SERVICE EMPLOYEES OF UPSTATE  
NEW YORK PENSION FUND, by  
George Kennedy and Susan Nicholson,  
as Trustees,

CIVIL NO. 5:11-CV-206  
(DNH/DEP)

Plaintiff,

VS.

BLOSSOM SOUTH NURSING AND  
REHABILITATION CENTER,

Defendant.

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**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Counsel has also advised the Court that no infant or incompetent is a party to this action. Accordingly, pursuant to N.D.N.Y.L.R. 68.2(a), it is hereby

**ORDERED** that:


1) The above captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty days of the date of the filing of this order upon a showing that the settlement was not consummated;

2) The dismissal of the above captioned case shall become **with**

**prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty days of the date of filing of this order upon a showing that the settlement was not consummated. Upon completion of settlement, the parties are directed to exchange general releases and file a **Stipulation of Discontinuance** with the Court that must include language "that no party hereto is an infant or incompetent" in compliance with N.D.N.Y.L.R. 41.3; and

3) The Clerk shall serve by electronic means copies of this Judgment upon the attorneys for the parties appearing in this action.

IT IS SO ORDERED.



United States District Judge

Dated: July 5, 2011  
Utica, New York